



REPUBLIC OF KENYA
IN THE INDUSTRIAL COURT OF KENYA

CAUSE NO.1226 OF 2013

(Before D.K.N. Marete)

PETER JUMA AJANJA.....CLAIMANT

Versus

PLANCON KENYA LTD.....RESPONDENT

RULING

Before Court is an application dated 7th August 2014 and supported by the Supporting Affidavit of Betty Rashid, counsel for the Claimant/Applicant sworn on the same date. It seeks the following orders of Court:-

1. *That the summary judgement be entered in favour of the Claimant on admission (sic.)*
2. *That Judgement be entered in favour of the Claimant for Kshs.243,360/= as assessed and admitted by the Respondent.*
3. *That costs be provided for.*

and is grounded on the following:-

- a. *That the Claimant was injured on the Respondent's premises on the 15th April, 2011 where the Claimant was on a ladder working on 1st floor. The ladder broke and he fell down on iron sheets. The iron sheets pierced all of his left hand fingers and his middle finger was pricked by a nail hence occasioning him serious injuries.*
- b. *That the Respondent referred the Claimant for assessment of damages and the same was done but the Respondent has refused and/or declined to effect payments despite numerous undertaking on this matter.*

When the application came for hearing on 16th September 2014, the applicant sought orders for judgement in his favour on grounds that the Respondent had vide his letter dated 29th May 2014 and annexed to the supporting affidavit marked BR 2 admitted liability of the amount of Kshs.243,360.00 being amount payable under insurance cover for her staff in compliance with sections 28,30,32 and 34 of the Work Injury Benefits Act. No. 13 of 2007.

In these proceedings, the Respondents are agreeable and forward looking on the issue of not only insurance compensation but also settlement of the claim. This is demonstrated by a consent order made

on 31st March, 2014 in which the parties agreed on a settlement at Kshs.150.000.00 payable in three equal installments. This has already been met.

I have scrutinized the record and application and find that this is not a contested matter. I therefore enter judgement on admission to the extent of the insurance claim for the Claimant all amounting to Kshs.243.360.00. The costs of this application shall be on cause.

It is so ordered.

Dated and delivered in Nairobi this 30th day of September, 2014.

D.K. Njagi Marete

JUDGE

Appearances.

1. Mr. Betty Rashid instructed by Betty Rashid & Company Advocates for the Claimant/Applicant.
2. No appearance for the Respondent